

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JUAN GONZALEZ MARTINEZ,

Petitioner,

vs.

STATE OF NEBRASKA,

Respondent.

**8:20CV372**

**MEMORANDUM AND ORDER**

This matter is before the court on Petitioner Juan Gonzalez Martinez's Amended Petition for Writ of Habeas Corpus (filing 14) brought pursuant to 28 U.S.C. § 2254 and correspondence which the court construes as a motion for the appointment of counsel (filing 15). Petitioner originally filed a habeas petition (filing 1) using the Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody, which was largely blank and which the court deemed insufficient. (Filing 11.) The court directed Petitioner to amend his petition to allege the grounds upon which he challenged his conviction. In doing so, the court acknowledged that Petitioner did not speak or write English well but encouraged him to seek assistance from his caseworker or a legal aide or inmate that spoke both Spanish and English in filing his amended petition.

As with his original petition, Petitioner's amended petition (filing 14) is a mostly blank Form AO 241 which identifies the judgment he challenges but not the grounds on which he seeks habeas relief. Based on the court's review of the amended petition and Petitioner's various letters submitted to the court (*see, e.g.*, filings 13 & 16), Petitioner is a Spanish speaker who is unable to complete the Form AO 241 habeas petition on his own due to a language barrier that cannot be addressed at the institution where he is confined. Accordingly,

IT IS ORDERED that:

1. The Federal Public Defender is appointed to represent Petitioner pursuant to 18 U.S.C. § 3006A(a)(2)(B).<sup>1</sup>
2. The Federal Public Defender shall:
  - a. Enter an appearance on Petitioner's behalf and
  - b. If appropriate, file an amended habeas petition within 30 days of the date of this order.
3. Petitioner's correspondence, construed as a motion for the appointment of counsel (filing 15), is granted consistent with this Memorandum and Order.
4. The clerk of the court is directed to send a copy of this Memorandum and Order to the Federal Public Defender, David R. Stickman.
5. The clerk of the court is directed to set a pro se case management deadline in this case using the following text: **June 28, 2021**: check for amended petition.

Dated this 28th day of May, 2021.

BY THE COURT:



Richard G. Kopf  
Senior United States District Judge

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<sup>1</sup> Section 3006A(a)(2)(B) provides: “Whenever . . . the court determines that the interests of justice so require, representation may be provided for any financially eligible person who— . . . is seeking relief under section 2241, 2254, or 2255 of title 28.”